City Attorney

Mission Statement

The mission of the City Attorney's Office is to deliver high quality, cost-effective legal services that are responsive to the City's adopted policies, goals, and objectives; to assist the City in managing its financial exposure to claims brought against the City; and to promote public safety by aggressively prosecuting all gross misdemeanor, misdemeanor and petty misdemeanor crimes that occur in the City.

Primary Businesses:

Prosecute crimes of violence, livability crimes and other crimes that occur in the City so that justice is serviced, crime is reduced and the residents' sense of safety within our community is increased

Provide a broad range of high quality, cost-effective legal services to the City's elected officials, departments, and independent boards and commissions so that the City's policy objectives are achieved and the City's liability exposure is minimized

Key Trends and Challenges Impacting the Department:

TRENDS:

The Civil Division caseload continues at approximately the same level as during the last two years. This "flattening" of caseload allows our Office to direct more attention to a preventive law practice. Attorneys are housed in the Human Resources, Police, Fire, Regulatory Services departments, and the Minneapolis Community Development Agency so that legal services are delivered more quickly and more effectively.

The City's total liability payments for 2003 are projected to be \$1,879,598. This would be the lowest total amount the City has paid since 1995 and more than \$3 million less than the \$4,903,586 paid in 1995. Settlement of police misconduct cases - one of the Office's key liability indicators - supports this trend of lower liability payouts. In 1998, the total amount of settlements for police misconduct was \$1,250,000, or an average of \$92,500 per case. Thus far in 2003, there have been 6 settlements for a total amount of \$85,104 or an average of \$14,184 per settlement. This is the lowest average settlement amount since our Office started tracking this information.

The City Attorney's Office continues to enhance public safety in the City through its three-pronged strategy: (1) aggressive prosecution of livability crime, (2) proactive involvement in improving the criminal justice system, and (3) active collaboration with neighborhoods on community justice. The Criminal Division caseload continues to decline. The projected caseload for CY 2003 is 33,600. In contrast, the Office handled 43,981 cases in CY2002, 44,970 cases in CY 2001; 51,808 cases in CY 2000; 55,027 cases in CY 1999 and 63,887 in CY1998. Despite this projected decline, the criminal caseload continues to be extremely heavy for the authorized complement. An annual caseload of 33,600 cases is nearly three times the American Bar Association and State Public Defender standards for misdemeanor cases and more than four times the standard for gross misdemeanor cases. (See Chart following Key Trends and Challenges section on Page 4.)

CHALLENGES:

The five major organizational and budgetary challenges identified last year continue as key challenges for the City Attorney's Office. They are: 1) purchasing and installing effective technological systems in the Office, 2) dedicating stable sources of funding to support adequate staffing in the Criminal Division, 3) redesigning the Office's managerial and supervisory structure so that the Office's "span of control" problem is addressed, 4) implementing cost effective ways to meet our obligations to victims of crime, and 5) addressing the Office's lease.

CHALLENGE 1: Purchasing and Installing Effective Technological Systems in the Office

The Criminal Division's prosecution case management system is inadequate. Because the Division prosecutes a high volume of cases, the lack of an effective system impairs the Division's ability to effectively manage the caseload and the human resources in the Division. Further, the community expects access to information about active cases. Citizen access to this information is important for individual feelings of safety and for the public to have confidence in its criminal justice system. A fully functioning case management system that produces accessible information should result in our citizens being more willing to report crime, testify as witnesses, and be more active in their neighborhoods. Finally, without an adequate prosecution cases management system, the City will not be able to connect to CriMNet, the state-wide integrated criminal justice system, that is currently being developed and phased into criminal justice agencies and the Minnesota Court Information System (MNCIS).

The Office responded to this challenge by undertaking an extensive Request for Proposal (RFP) process in 2000, utilizing Office personnel, ITS (now BIS) staff, and a representative from the Hennepin County Attorney's Office who is knowledgeable and involved in the Hennepin County Attorney's Office's case management systems. Of the many proposals received, only two met ITS's technology requirements. Using the RFP responses, staff from the City Attorney's Office and ITS prepared a cost estimate for total system implementation, including ITS costs, and determined it could be as high as \$1.5 million (in 2000 dollars). The Office has sought funding, year after year, through the budget process and through SISP. These efforts were not successful. In addition, the Office applied to the federal government to purchase a new prosecution case management system. That application was denied. Most recently, Hennepin County has received a grant from CriMNet, of which approximately \$200,000 will be used to analyze the prosecution cases management systems needs of the City Attorney's Office. The Office has been working with BIS staff and Hennepin County ITS staff to analyze the City Attorney's Office workflow and needs. Once the analysis is complete, the City must still make a significant financial commitment in the near term to ensure that this Office has an effective prosecution case management system. The current BIS estimate to design and install a fully-functioning prosecution case management system is \$2.8 million.

In addition, the current CityLaw system, which is utilized by the Civil Division, will need to be upgraded in the near future. It was last upgraded after Y2K since the system was not Y2K compliant. The City will soon upgrade its operating system to XP Professional. The CityLaw system is not compatible with XP. No cost estimates for this upgrade have been developed.

CHALLENGE 2: Dedicating Stable Sources of Funding to Support Adequate Staffing in the Criminal Division

Since 1997, federal block grants have been used to fund a number of positions in the Office's Criminal Division so that the Office could aggressively prosecute livability offenses in the City. Although the City has appropriately capitalized on the availability of federal block grant dollars to fund Criminal Division positions, federal block grant dollars are not a reliable long term source of funding because the amount of federal block grant dollars available to the City is declining. The formula for awarding federal block grant dollars is based on the Part 1 crime rate, which has decreased in recent years. Accordingly, the amount the City receives through the federal block grant also has decreased. Currently, there are 7 positions in the Criminal Division that are funded through federal block grant dollars. The CY2003 cost for these positions is \$482,298. If the City Attorney's Office is appropriated \$325,000, as has occurred in the past, the projected shortfall (2003 dollars) is \$157,209. In a recent memo, the Police Department indicated that the 2004 Block Grant for Minneapolis is "even further diminished". Therefore, with the continued decline of Block Grant funding, another source of funding will need to be found or positions will need to be reduced. Position reductions would further compound the staffing problems in the Criminal Division.

CHALLENGE 3: Redesigning the Office's Managerial and Supervisory Structure so that the Office's "Span of Control" Problem is Addressed

Effective organizational management dictates that each manager and supervisor have a reasonable number of direct reports to supervise. This principle is sometimes referred to as "span of control". Organizational management experts suggest that the effective "span of control" ranges for direct reports from 5 to 12. In determining the appropriate number, factors that are considered include whether the work being performed is routine or complex, the qualifications and experience of the staff, and the motivations of the employees. The current "span of control" in the City Attorney's Office is as follows:

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City Attorney

Deputy City Attorney, Civil 31
Deputy City Attorney, Criminal 44.63
Program Assistant, Civil 7
Program Assistant, Criminal 6
Clerical Supervisor 5

Although the "span of control" for the support positions in the Office is adequate, the "span of control" for supervision of the Office's attorneys is inadequate. The Office recently completed a year-long workforce planning analysis. Based on this analysis, the Human Resources Department is planning a "demonstration project" with the City Attorney's Office to determine whether augmented Team Leader positions will address this span of control problem.

CHALLENGE 4: Implementing Cost Effective Ways to Meet our Obligations to Victims of Crime

For many years, the City Attorney's Office has provided crime victim/witness liaison services, including those services required by the Minnesota Victim's Rights Law. In recent years, the City has contracted with the Council on Crime and Justice (CCJ) to provide these services. Before the contract was awarded to the Council on Crime and Justice in 2001, the City Attorney's Office, with the assistance of the Human Resources Department and the Finance Department, conducted an extensive analysis of the alternatives for delivering these services. This analysis concluded that it was less expensive for an outside vendor to deliver the same level of services than if the services were provided by City employees. Accordingly, the City entered into a new contract with CCJ which is in effect from January 1, 2002 through December 31, 2004. The three-year cost to the City under this contract is \$862,604. This represented an increase of \$178,692 - a 26% increase over the earlier three-year contract which had a total cost of \$683,912. When the current contract with CCJ expires, it is likely that the cost to continue providing these services will increase.

Under the current contract, the CCJ provides five (5) liaisons, one (1) supervisor and one (1) receptionist to provide services to victims in misdemeanor and gross misdemeanor cases. The liaisons work in a two-team model, including a domestic team and a non-domestic team. The domestic team has three (3) liaisons, and the non-domestic team has two (2) liaisons.

Because the City Attorney's Office prosecution caseload has declined recently, the CCJ statistics for the years 2001, 2002, and through May 31, 2003 were analyzed. Based on year-to-date figures from CCJ, a 25% decrease in contact with crime victims in 2003 is anticipated. The services currently provided by both CCJ staff and Office staff were analyzed to determine whether it is feasible to reduce the cost of services provided by the CCJ while still providing statutorily mandated services. One of the target budget reduction strategies proposes how the City should address the rising costs of these services.

CHALLENGE 5: Addressing the Office's Lease

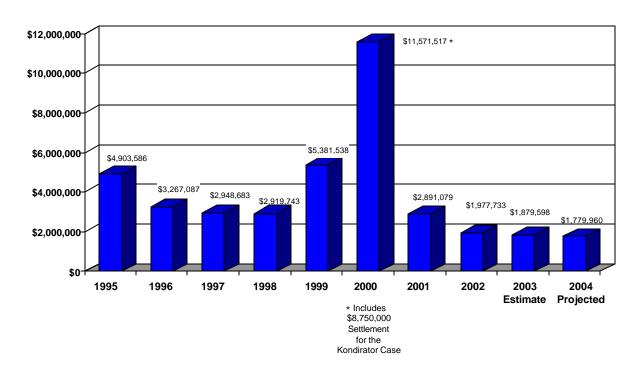
In 1993, the City Attorney's Office entered into a 12 year lease for 34,573 square feet of space in the Metropolitan Centre (then Lincoln Centre) building, the City Attorney's Office current location. The current lease terminates in June, 2005. Commercial leasing specialists recommend that leasees begin releasing activities 18 months prior to the expiration of their current lease. This time period allows the leasee to evaluate all options, including moving to other space.

Because of current commercial real estate market conditions, it may be possible to significantly reduce the City's lease payments at the Metropolitan Centre for the year 2004 and remainder of 2005. These savings could begin January 1, 2004. The City Attorney's Office could realize these savings by renegotiating the lease and then extending the lease date for an additional 5 years to an expiration date of June 30, 2010. A market analysis projects net rent for 2004 at \$7.25 a square foot. For the remainder of 2005, it is projected at \$9.02 a square foot. The combined savings for the remainder of the lease is calculated at \$358,695. It is difficult to determine the exact amount that would be saved over the 6-1/2 years of a renegotiated lease, but it is likely that, with the current market conditions, the savings would be significant.

An additional market analysis suggests further financial savings if the amount of space needed by the City Attorney's Office is reduced. The City Attorney's Office recently has reduced its complement by 18.5 positions. This budget

proposal proposes an additional reduction of five positions. The City Attorney's Office leases office space on both the 3rd and 4th floors of the Metropolitan Centre building. Initial estimates suggest that the 4th floor space if eliminated by January 1, 2004, the savings could be between \$390,316 and \$436,522 over two years. The lease itself would need to be extended to June 30, 2010.

Minneapolis City Attorney's Office Total Liability Payments



Key Initiatives or Other Models for Providing Service to be implemented:

- 1. Community Attorney Initiative In July, 2002, the City Attorney's Office created a Fourth Precinct Community Attorney demonstration project which was designed to determine how the City Attorney's Office can become more involved with the community, more effective in communicating with the community on criminal justice matters, and provide more training to police officers to improve the quality of their reports. In February, 2003, the demonstration project was expanded into the Third Precinct, and will be expanded further into the First Precinct this summer.
- 2. Chronic Offender Prosecution The City Attorney's Office Special Prosecutions Team focuses its efforts on prosecuting the 100 worst livability crime offenders in the City. In prosecuting a chronic offender, this team seeks, and often obtains, significantly more jail time for these offenders than the Office typically sees on misdemeanors.
- 3. Family Violence Unit The City Attorney's Office has assigned an attorney to the Minneapolis Police Department's Family Violence Unit, to support enhanced and effective evidence-based prosecution of domestic assault cases. This position is funded through December 31, 2004, by a federal grant to encourage arrest policies and enforcement of orders for protection.
- 4. Prosecution of Gang Members The City Attorney's is committed to aggressively prosecuting gang members who commit misdemeanor and gross misdemeanor offenses in the City. This Office is working closely with the Minneapolis Police Department to receive information, on a daily basis, about arrests of gang members to ensure that these cases receive the appropriate attention, including obtaining community impact statements to be used at sentencing.
- 5. Mental Health Court The City Attorney's Office has participated in the establishment of a Mental Health Court in

Hennepin County. This Court is designed to seek better means of addressing the mental health issues of some misdemeanor and gross misdemeanor offenders. The Mental Health Court began operation in May, 2003.

- 6. Nuisance Court/Diversion Program The City Attorney's Office is working with Hennepin County District Court and other stakeholders to explore the establishment of a Nuisance Court and/or Diversion Program designed to better address livability offenses committed in the City.
- 7. Community Prosecution Planning Grant Under a Department of Justice, Bureau of Justice Assistance, grant, the City Attorney's Office is working with restorative justice partners and neighborhood groups to develop a plan to identify improved means of addressing chronic offender who have chemical dependency, mental or homelessness issues. This planning grant will be completed on June 30, 2004.
- 8. Community Planning and Economic Development (CPED) Redesign The City Attorney's Office is working with the CPED Office to implement the Focus Minneapolis initiative, including drafting of all necessary ordinances to establish the new City department of Community Planning and Economic Development. The Office also is providing legal assistance that must be taken to transfer MCDA positions, employees, programs and assets to the City and the new department.
- 9. Tenant Remedies Act (TRA) and Chapter 249 Initiatives The City Attorney's Office continues its TRA and Chapter 249 initiatives designed to promote rehabilitation, instead of demolition of nuisance properties, in order to maintain the City's supply of safe and affordable housing.
- 10. City Attorney's Office Workforce Plan/Business Plan The City Attorney's Office has completed its Workforce Plan and is nearing completion of its Business Plan which is aimed at aligning the Office's services with the City's strategic goals and five year financial plan.

Key Departmental Outcome Measures:

Outcome Measure	2000 Actual	2001 Actual	2002 Actual	2003 Estimated	2004 Projected
Total liability payments	\$11,571,517 (Kondirator settlement: \$8,750,000)	\$2,891,079	1,977,733	\$1,879,598	\$1,779,960
Innovative system changes with the City's criminal justice partners	Community Court, Violations Bureau, Community Impact Calendar, Domestic Court	Community Court, Violations Bureau, Community Impact Calendar, Domestic Court	Community Court, Violations Bureau, Community Impact Calendar, Domestic Court, Crimnet, Prosecutor Only Calendar, Mental Health Court	Community Court, Violations Bureau, Community Impact Calendar, Domestic Court, Crimnet, Prosecutor Only Calendar, Mental Health Court, Nuisance Court/Diversion Program	Community Court, Violations Bureau, Community Impact Calendar, Domestic Court, Crimnet, Prosecutor Only Calendar, Mental Health Court, Nuisance Court/Diversion Program
Number of chronic offenders who did not reoffend	56%	58%	58%	59%	59%
Percentage of domestic violence cases resulting in conviction	27% (Pre-Domestic Violence Court)	50%	53%	49%	52%
Percentage of women & people of color	62% Women 21% People of Color	62% Women 23% People of Color	64% Women 26% People of Color	66% Women 27% People of Color	68% Women 28% People of Color

Explanation of Performance Data for Departmental Outcome Measures:

The City's total liability payments are projected to be \$1,879,598 in 2003. This would be the lowest total amount paid since 1995 and more than \$3 million less than the \$4,903,586 paid in 1995.

The innovative criminal justice system changes (including the proposed addition of a Nuisance Court/Diversion Program in 2003) reflect joint efforts by the Office and its criminal justice partners to make systemic reforms. These reforms have allowed the Office to focus its resources on livability offenses. Prior to the creation of the Minneapolis Community Impact Calendar in 2000, petty misdemeanor, misdemeanor and gross misdemeanor cases, of all types, including minor traffic cases were heard in courtroom 1156. Expansion of the authority of hearing officers in the Violations Bureau to handle more of these offenses allowed the Community Impact Calendar to focus on Minneapolis livability offenses, including disorderly conduct, prostitution and ordinance violations. One judge presides over this calendar on a continuous basis, and there is very little rotation by the remainder of the bench in general. In addition, staff from Sentence to Service, the Department of Public Safety, and diversion programs are available in this courtroom to facilitate greater accountability and follow through by defendants.

The performance measure related to the number of targeted chronic offenders who did not reoffend reflects an end-of-the-year snapshot of all targeted chronic offenders and whether they committed a new offense within that year. It should be noted that the Office met with the Minneapolis Police Department at the beginning of 2002 and recommended that they revise their top offender lists to remove names of offenders who were incarcerated or who had not reoffended for a significant amount of time. The result in 2002 was that inactive top offenders were replaced by more active top offenders, thus there fewer top offenders who did not reoffend.

Although the domestic violence case conviction rate for the first half of 2003 has declined slightly from 2002, the conviction rate is still expected to be up nearly 22% from 2000.

Primary Business:

Aggressively prosecute livability crimes that occur in the City

Service Activity:

Aggressive prosecution of offenders under the City Attorney's Office Jurisdiction.

Description:

Aggressive prosecution of livability crime is one prong of the Office's public safety strategy. Both chronic offenders and perpetrators of domestic violence crimes are a priority for the Office. The Special Prosecutions Team focuses on "relentless pursuit" of the 100 worst livability crime offenders in the City. A specialized domestic prosecution team vertically prosecutes domestic violence crimes

Key Performance Measures for the Service Activity:

Key Performance Measure	2000 Actual	2001 Actual	2002 Actual	2003 Estimated	2004 Projected
Percentage of chronic offenders identified by the Police Department and the City Attorney's Office that were prosecuted	100%	100%	100%	100%	100%
2. Percentage of chronic offenders who did not re-offend	56%	58%	58%	59%	59%
Percentage of domestic violence cases resulting in a conviction	27%	50%	53%	49%	52%

Explanation of key performance measures:

The percentage of chronic offenders identified by the Police Department and The City Attorney's Office that were prosecuted reflects those identified chronic livability crime offenders who receive targeted prosecution by the Office's Special Prosecutions Team. The team maintains a list of approximately 100 offenders that is updated every two weeks based on the most recent offense data. It is important to note that when a chronic offender is sent to jail for a significant

period of time, that offender's name is usually removed from the list while he or she is in custody. For example, in 2002, 21% of identified chronic offenders spent either part or most of 2002 in custody. New offenders are then added to the list. The performance measure related to number of targeted chronic offenders who did not reoffend reflects an end-of-year snapshot of all targeted chronic offenders and whether they committed a new offense within that year.

In 2002, the City Attorney's Office Special Prosecutions Team handled 489 to offender cases, as compared with 417 in 2001 and 412 in 2000. 449 or 92% of these cases were misdemeanors; the remaining 40 cases gross misdemeanors. Of these cases, 149 individuals were sentenced to 7,580 days of served jail time (50 days average per conviction) and 8,302 days of stayed jail time (56 days average per conviction).

The Domestic Violence Court began in November, 2000. This Court allows the Office's Domestic Abuse Team to handle all stages of the prosecution of intimate-partner domestic violence cases. Conviction data should be evaluated in light of the fact that Minneapolis has a high percentage of cases that are "tab-charged", meaning the case is initiated by the police without any review by a prosecutor. In 2002, the Hennepin County District Court completed a study on the effectiveness of the new Domestic Violence Court. The study, entitled "Domestic Violence Court: Case Processing Update and Recidivism Analysis", showed that Minneapolis domestic violence court cases are being processed more quickly than similar cases were in the past, and much more quickly than suburban cases. In addition, recidivism (new charges) for domestic assault is down in Minneapolis since 1998, and has increased in the suburbs since initiation of the Domestic Violence Court.

Service Activity:

Proactive Involvement in Improving the Criminal Justice System

Description:

The second prong of the Office's public safety strategy is proactive involvement in improving the criminal justice system. These systemic changes have helped the Office focus its resources on those livability crimes that threaten the fabric of the City and its neighborhoods. The Office's proactive involvement takes a number of forms, from participation in committees and planning groups to courtroom strategies that deliver results more quickly and improve the ability of the public to observe and understand court proceedings.

Key Performance Measures for the Service Activity:

Key Performance Measure	2000 Actual	2001 Actual	2002 Actual	2003 Estimated	2004 Projected
Number of traffic cases sent to court from Violations Bureau	9,208	6,862	6,724	6,388	6,260
2. Number of City Attorney cases addressed by 3rd Precinct Community Calendar	165	715	732	1,152	1,209
3. Livability crimes where sentence to service was part of the resolution	5.4%	Figures not available from Hennepin County District Court	6%	7%	8%
4. Percentage of domestic violence cases resulting in a conviction	27%	50%	53%	49%	52%
5. Maintain active involvement with the Criminal Justice Coordinating Committee Court Calendar	Attended all CJCC meetings	Attended all CJCC meetings; work related to CriMNet planning	Attended all CJCC meetings; worked on CriMNet implementation	Attend all CJCC meetings; continue work on CriMNet implementation; MNCIS	Attend all CJCC meetings; continue work on CriMNet implementation; MNCIS

6. Participate in partnerships to improve the criminal justice system

Initiated prescreening of all cases; worked to create "Minneapolis Calendar:. which focuses on the prosecution of livability crimes; helped create the Domestic Violence Court

Continued prescreening of all cases; continued participation in the Community Impact "Minneapolis Impact Calendar" and Community Court and the Domestic Violence Court

Continued prescreening of all cases; continued participation in the "Minneapolis Impact Calendar" and Community Court, Domestic Violence Court, and the Mental Health Court

Continue prescreening of all cases; continued participation in the "Minneapolis Impact Calendar" and Community Court, Domestic Violence Court, Mental Health Court, and Night Court

Continue prescreening of all cases; continued participation in the "Minneapolis Impact Calendar" and Community Court, Domestic Violence Court. Mental Health Court, and Night Court

Explanation of key performance measures:

The Office worked with the Hennepin County District Court to facilitate resolution of matters at the Violations Bureau in order to minimize the number of these cases that appear on court calendars. By increasing the number of routine traffic cases resolved at the Violations Bureau, the Minneapolis Community Impact Calendar is able to focus on livability crimes. This change occurred in 2000. Thus, it is important to compare the 2000, 2001 and 2002 data to 1999 data. In 1999, the Violations Bureau referred 13,500 moving violations and parking tickets compared to 9,208 in 2000, 6,862 in 2001, and 6,724 in 2002.

The Domestic Violence Court began in November, 2000. This Court allows the Office's Domestic Abuse Team to handle all stages of the prosecution of intimate-partner domestic violence cases. Conviction data should be evaluated in light of the fact that Minneapolis has a high percentage of cases that are "tab-charged", meaning the case is initiated by the police without any review by a prosecutor. In 2002, the Hennepin County District Court completed a study on the effectiveness of the new Domestic Violence Court. The study, entitled "Domestic Violence Court: Case Processing Update and Recidivism Analysis", showed that Minneapolis domestic violence court cases are being processed more quickly than similar cases were in the past, and much more quickly than suburban cases. In addition, recidivism (new charges) for domestic assault is down in Minneapolis since 1998, and has increased in the suburbs since initiation of the Domestic Violence Court.

Service Activity:

Active Collaboration with Neighborhoods on Community Justice.

Description:

The third prong of the Office's public safety strategy is active collaboration with the neighborhoods on community justice. The Office is committed to supporting neighborhood community restorative justice programs. The Office meets regularly with the Central City Neighborhood Restorative Justice Program (CCNP)and the Midtown (formerly Powderhorn) Restorative Justice Program to review issues related to case referral and case processing.

In July 2002, the Office began a Community Attorney demonstration program in the 4th precinct, and expanded the Community Attorney demonstration program to the Third Precinct in February, 2003. The Office anticipates that these programs will increase community involvement with the criminal justice system and better serve community needs.

Key Performance Measures for the Service Activity:

Key Performance Measure	2000 Actual	2001 Actual	2002 Actual	2003 Estimated	2004 Projected
4th Precinct Community Attorney Initiative: cases where Community Attorney provides assistance	New indicator	New indicator	320	720	900
Community Meetings attended by 4th Precinct Community Attorney	New indicator	New indicator	59	122	150
3. 3rd Precinct Community Attorney Initiative: cases where Community Attorney provides assistance	New indicator	New indicator	New indicator	252	294

Community Meetings attended by 3rd Precinct Community Attorney	New indicator	New indicator	New indicator	82	96
5. 1st Precinct Community Attorney Initiative: cases where Community Attorney provides assistance	New indicator	New indicator	New indicator	New indicator	320
6. Community Meetings attended by 1st Precinct Community Attorney	New indicator	New indicator	New indicator	New indicator	60
7. Number of cases referred to CCNP	35	132	79	184	203
Number of cases referred to Midtown Restorative Justice Program	122	99	122	96	105
Number of cases handled by Community Mediation Program	64	66	Program no longer exists	Program no longer exists	Program no longer exists

Explanation of key performance measures:

The 3rd and 4th Precinct Community Attorney Programs are designed to determine how the City Attorney's Office can become more involved with our community and more effective in communicating with the community on criminal justice matters and to provide more training to the police and improve the quality of their reports. The City Attorney's Office will expand the Community Attorney demonstration project to the 1st Precinct this summer. Feedback from both the community and the Minneapolis Police Department has been very positive regarding this initiative and supports the Office's belief that Community Attorney positions are an effective tool to increase the Office's connections to the community and improve the Office's prosecution of livability crime.

An Assistant City Attorney is assigned to the neighborhood restorative justice programs to screen and refer appropriate cases for the individual neighborhood programs. The Office worked extensively with CCNP and Midtown programs to improve the case referral process, and to determine why eligible cases were not referred. The Office worked with Midtown Restorative Justice Project to broaden the types of cases referred to the program, and with CCNP when it broadened the neighborhoods served by the project. While the referrals to CCNP decreased in 2002 from 2001, there has been a recent increase in the number of referrals to the project. The defendants' failure to appear rate continues to be a barrier to the programs' greater success.

In 1999, the Office created a Community Mediation Program. This program was developed as a diversion program for certain livability crimes. Sometimes, neighborhood disputes that result in crimes, such as vandalism or disorderly conduct, are better suited to be resolved though a mediation process rather than a criminal trial, which is adversarial and results in a verdict of guilt or innocence rather than resolution of the conflict. The Office's Community Mediation Program was eliminated in the 2002 budget process.

Primary Business:

Provide high quality, cost effective legal services to the City's internal and external customers

Service Activity:

Assist the City in Managing Its Financial Exposure to Claims Brought against the City.

Description:

One focus of the Office's Civil Division is to provide proactive legal advice and training to the City's elected officials and staff and to aggressively represent the City in litigation, administrative hearings, and other judicial and quasi-judicial proceedings so that the City's potential liability in these matters is minimized.

Key Performance Measures for the Service Activity:

Key Performance Measure	2000 Actual	2001 Actual	2002 Actual	2003 Estimated	2004 Projected
Total liability resulting from the City's risk generating activities	\$11,571,517	\$2,891,079	\$1,977,733	\$1,879,598	\$1,779,960

2. Number of adverse matters open at year's end	688	697	683	735	808
3. Number of adverse matters closed during year	266	390	453	422	380
Number of employees trained in key liability areas	1,500	3,187	518	2,137	5,200

Explanation of key performance measures:

Settlement of police misconduct cases - one of the Office's key liability indicators - supports the trend of lower liability payouts. In 1998, the total amount of settlements for police misconduct was \$1,250,000, or an average of \$92,500 per case. Thus far in 2003, there have been 6 settlements for a total amount of \$85,104 or an average of \$14,184 per settlement. This is the lowest average settlement amount since our Office started tracking this information.

The training indicator measures the number of employees trained in key liability areas, i.e., 833 Minneapolis Police Officers received In-Service Training (includes Use of Force, False Arrest, etc.), 1,304 City employees received Sexual Harassment training. The revised City of Minneapolis Ethics Code, passed by the City Council in March 2003, mandates that all City employees (including elected officials) attend ethics training by March 2004. The Human Resources Department is responsible for designing and implementing the seminars. The City Attorney's Office Ethics Officer has been meeting with Human Resources to assist in the design of the seminars. It is anticipated that a video will be produced as the training vehicle for the majority of City employees, while alternative or supplemental education components are being considered for the elected officials, department heads, management development programs, new supervisor training programs, and new employee orientation programs.

Service Activity:

Provide High Quality Services to the City's Elected Officials, Its Departments and Staff.

Description:

The City's elected officials, its departments and staff are the Office's primary clients. Services include oral advice, written opinions, support of the City's procurement activities, and liaison services for the City Council and its committees.

Key Performance Measures for the Service Activity:

Key Performance Measure	2000 Actual	2001 Actual	2002 Actual	2003 Estimated	2004 Projected
Average number of requests for service per attorney	133	126	93	85	109
Number of requests received for advice, procurement support or other services	1,467	1,382	1,026	902	1,091

Explanation of key performance measures:

These performance measures are used to manage divisional workload and staff. The Office has entered into service agreements with individual City departments. These service agreements set out the mutual departmental expectations and obligations so that legal services can be effectively, efficiently and promptly delivered.

In 1999, the Office established a Code Compliance Unit, which is designed to focus legal resources on violations of the Minneapolis City Code. In July 2001, the Tenant Remedies Action Project, a major responsibility for this unit, began. That initiative is designed to evaluate whether utilizing the Tenant Remedies Act (TRA) is a more effective method of addressing certain rental housing code violations. For the period July through December 2001, 28 TRA cases were filed. This number increased to 82 cases in 2002. Between January 1 and June 30, 2003, 42 TRAs have been filed.

In 2000, the Attorney's Office worked with the Fire Prevention Bureau to develop a Uniform Fire Code Enforcement Plan which establishes the City's regulatory objectives and the criteria for prioritizing Fire Code enforcement actions. This plan was adopted by the City Council in 2000. In 2002, the City followed the national lead and adopted the International

Fire Code to replace the Uniform Fire Code. The City Attorney's Office has worked with the Fire Prevention Bureau in making this transition as efficient as possible in accord with the Uniform Fire Code Enforcement Plan previously adopted by the Council in 2002.

Service Activity:

Provide High Quality Legal Services To the City's Independent Boards and Commissions.

Description:

The City's independent boards and commissions also are clients of the office. Services include oral advice, written opinions, support of the independent boards and commissions' procurement activities, and liaison services.

Key Performance Measures for the Service Activity:

Key Performance Measure	2000 Actual	2001 Actual	2002 Actual	2003 Estimated	2004 Projected
Number of requests received for advice, procurement support or other services	166	190	144	176	193
Average number of requests for service per attorney	83	95	72	88	97

Explanation of key performance measures:

These performance measures are used to manage divisional workload and staff. Two Assistant City Attorneys are assigned and housed at the Minneapolis Community Development Agency (MCDA). In addition, other Assistant City Attorneys provide legal services to the MCDA and to the Library Board. Significant legal resources were dedicated to the expansion of the Convention Center and are supporting the construction of the New Central Library. In addition, the Office provides legal services to the Civil Service Commission, the Civil Rights Commission, the Board of Estimate and Taxation, and the Charter Commission. The Charter Commission and Redistricting Commission have been advised and represented on the decennial redistricting activities.

Financial Analysis:

EXPENDITURE

The City Attorney 2004 budget is 3.9% or \$390,000 higher than the 2003 Adopted Budget across all funds. Most of the increase is attributable to non-personnel costs. The adopted budget includes an increase to the Department's contractual services budget to reflect a shift of resources from the Community Planning and Economic Development Department (\$283,000). The Department eliminated 6 positions in order to increase its non-personnel budget.

REVENUE

The City Attorney's revenue budget reflects a decline in state grant funding. The Attorney's Office Internal Service Fund revenue reflects the reduced service levels in the Department as a result of the LGA reductions (see below).

FUND ALLOCATION

The General Fund and the Self-Insurance Fund are the main funding sources for the City Attorney's Office – 50% of the Office's budget is from the general fund and 47% of the Office's budget is from the Self-Insurance Fund. The Federal Grants Fund and Other Grants Fund make up the remaining sources of funding with 3% of the Office's budget derived from this source. The 2004 general fund budget for the Attorney's office increased 8% while the Self-Insurance Fund Budget decreased 1.6%.

LOCAL GOVERNMENT AID CUT IN 2003

The City Attorney's office eliminated 4 positions as part of the Local Government Aid cuts in April of 2003.

ADOPTED BUDGET

The Adopted Budget includes funding for information technology infrastructure, including the City Attorney's Office's request for a Case Management System. This project was highly rated by the Technology Steering Committee, the decision-making apparatus for the Department Heads regarding enterprise technology investments.

The Council also added 2 positions and \$95,000 in expense related to Nuisance Night Court, funded from fine revenue \$91,000 (\$120 average initial fine).

ATTORNEY Staffing Information

	2001	2002 Adopted Budget	2003 Adopted Budget	2004 Adopted Budget	% Change	Change
FTE's by Division						
Criminal	65.83	63.83	60.96	57.63	-5.78%	(3.33)
Civil	47.67	47.67	49.67	43.50	-14.18%	(6.17)
Total FTE's	113.50	111.50	110.63	101.13	-8.59%	(9.50)

Minneapolis City Attorney's Office Organizational Chart

